



PATENT  
Docket No. 511582002700

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EV 391 856 751 US

Date of Deposit: October 7, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Grace Yu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Daniel E. AFAR et al.

Serial No.: 09/389,000

Filing Date: August 31, 1999

For: PHELIX: A TESTIS-SPECIFIC PROTEIN  
EXPRESSED IN CANCER

Examiner: M. Davis

Group Art Unit: 1642

**OCT 18 2004**

**TECH CENTER 1600/2900**

**STATEMENT TO SUPPORT FILING AND SUBMISSION  
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825 AND §§ 1.52(e) AND 1.96(c)**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the contents of the computer readable version in CD-R format (labeled "CRF") of the Sequence Listing and the paper copy (pages 1-5) of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821-1.825, § 1.52(e) and § 1.96(c), respectively, are the same. The submission includes no new matter.

Please note that Applicants have enclosed a compact disc labeled "CRF" and a paper copy of the Sequence Listing (pages 1-5). Applicants request consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

Listed below are the particulars of the compact disc containing the Sequence Listing:

1. Machine Format: IBM-PC
2. Operating System Compatibility: PC-DOS/MS-DOS
3. List of Files: Sequence Listing
4. Size of each in bytes: 10,240 bytes
5. Date of creation: October 7, 2004.

I hereby state that I have reviewed the paper copy of the Sequence Listing contained on pages 1 to 5 of said Sequence Listing, as required by 37 CFR 1.821(c), and have reviewed the computer readable form of the Sequence Listing, as required by 37 CFR 1.821(e), and that the content of the paper and computer readable copy for the above-referenced Patent application are the same as required by 37 CFR 1.821(f).

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due to our **Deposit account no. 03-1952** referencing 511582002700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 7, 2004

By:



James J. Mullen III, Ph.D.  
Registration No. 44,957

Morrison & Foerster LLP  
3811 Valley Centre Drive,  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-7940  
Facsimile: (858) 720-5125